

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matters of  
IP-Enabled Services

WC Docket No. 04-36

E911 Requirements for IP-Enabled Service Providers

WC Docket No. 05-196

**SUBSCRIBER ACKNOWLEDGEMENT REPORT (09.22.05)**

Pursuant to the August 26, 2005 Public Notice released by the Enforcement Bureau, Mpower Communications Corp. files the following Subscriber Acknowledgement Report.

1. A detailed explanation regarding current compliance with the notice and warning sticker requirements *if* the provider did not notify and issue warning stickers or labels to 100% of its subscribers by the July 29, 2005 deadline. Providers expected to update this information include those that were in the process of providing notice and/or stickers to their subscribers, but had not completed the process by July 29, 2005.

On July 29, 2005, Mpower sent via First Class U.S. Mail a mailing to all current VoIP subscribers. This mailing contained E911 warning stickers pursuant to 47 C.F.R. section 9.5(e)(3).

2. A quantification of the percentage of the provider's subscribers that have submitted affirmative acknowledgements as of the date of the September 1, and September 22 reports, and an estimation of the percentage of subscribers from whom the provider does not expect to receive an acknowledgement by September 28, 2005.

Percentage of subscribers which have submitted an affirmative acknowledgement as of the date of this report: 98 %.

Estimated percentage of subscribers from whom Mpower does not expect to receive an acknowledgement by September 28, 2005: 0-2 %.

3. A detailed description of any and all actions the provider plans to take towards any of its subscribers that do not affirmatively acknowledge having received and understood the advisory.

Mpower has a team of people driving to customer locations in repeated attempts to contact the customer and obtain acknowledgments. They intend to continue until they have received all acknowledgments.

Subscribers have been advised that if they do not affirmatively acknowledge having received and understood the advisory, they will have their VoIP service disconnected. If there are any such customers on September 28, 2005, Mpower will "hard" disconnect them but will be prepared to reconnect them very quickly once they have faxed the acknowledgment.

4. A detailed description of any and all plans to use a “soft” or “warm” disconnect (or similar) procedure for subscribers that fail to provide an affirmative acknowledgement by September 28, 2005. The soft disconnect procedure will either disallow all non-911 calls or intercept and send those calls to the provider’s customer service department. Under this “soft” disconnect procedure, calls to 911 will continue to go to the appropriate Public Safety Answering Point (PSAP). A provider’s September 1 and September 22 reports must include either a statement that the provider will use a “soft” or “warm” disconnect (or similar) solution as of September 28, 2005 or a detailed explanation of why it is not feasible for the provider to use a “soft” or “warm” disconnect solution.

While Mpower does routinely use a “soft” or “warm” disconnect for its non-VoIP subscribers, it is currently unable to make a “soft” or “warm” disconnect for its VoIP subscribers. Mpower translations currently cannot block all calls from the switch except 911 calls. It would have to block all calls for all customers on those trunks. Instead, at this time, it would either need to disable the port on the access router (administrative port down on the interface from the POP router) or disable the ADIT (IAD at the premises).

Submitted on September 22, 2005,  
Richard Heatter, Vice President Legal & Regulatory  
Mpower Communications Corp.  
3300 N. Cimarron Road, Las Vegas, NV 89129  
702-310-1224